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W.P.No.18742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.18742 of 2024

D.Stanley Peter

... Petitioner

Vs.

1.The Principal Secretary to the Government of
Tamil Nadu Revenue Department,
Fort St. George,
Chennai – 600 005.

2.The Land Commissioner,
Commissionerate of Land Administration,
Ezhilagam Building,
Second Floor, Chepauk,
Chennai – 600 005.

3.The Tamil Nadu Bhoodan Yagna Board,
Ezhilagam Building,
First Floor, Chepauk,
Chennai – 600 005.

4.The Collector,
Coimbatore District Collector Office,
Coimbatore.

5.The Tahsildar,
Sulur Taluk Office,
Sulur, Coimbatore District.



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... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent bearing Na.Ka.K2/5813/2016(Bhoo.Va), dated 21.05.2024 and quash the same and direct the 3rd respondent to allot the agricultural land admeasuring an extent of 4.52 acres comprised in Survey No.289/3 Appanayakkanpatti Village, Sulur Taluk, Coimbatore District as per recommendation of Bhoodan Board dated 30.03.1992 bearing V.Pa 640/1/H.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed challenging the order passed by the second respondent negating the petitioner's prayer for allotment of land situated in Survey No.289/3 Appanayakkanpatti Village, Sulur Taluk, Coimbatore District.

2. It is the case of the petitioner that the above said land with an extent of 4.52 acres was assigned in favour of one S.R.Arumugam by Boodhan Board in the year 1964. The petitioner purchased the above



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mentioned land from above said S.R.Arumugam on 30.11.1989. As the petitioner encountered with trouble from the Revenue Authorities on the ground that alienation by S.R.Arumugam in favour of the petitioner was not valid, the petitioner approached Boodhan Board for assignment in his favour. Since the Board was not headed by a chairman at the relevant point of time, the decision on the request of the petitioner was deferred. In the mean time, the petitioner received a notice from Tahsildar directing the petitioner to surrender the land as the same belonged to Boodhan Board. The petitioner submitted a representation before the respondents seeking allotment of the above mentioned land in his favour. The second respondent by impugned order rejected the request of the petitioner and aggrieved by the same, he has come before this Court.

3. The learned counsel appearing for the petitioner tried to assail the impugned order on the ground that the petitioner has been in possession of the above mentioned land and he is fulfilling all the criteria for allotment of Boodhan land under the provisions of the Tamil Nadu Boodhan Yagna Act, 1958. The learned counsel further submitted that the petitioner purchased the



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above mentioned land from S.R.Arumugam, the original assignee in the year 1989. After the respondents informed the petitioner about the violation of assignment order, the property was surrendered by the petitioner voluntarily and sought for assignment in his favour. The petitioner also submitted that the respondents did not appreciate the eligibility criterion for assignment of Boodhan land and therefore, the impugned order passed by them is not justifiable in law.

4. The learned Additional Government Pleader, who appears for the respondents submitted that in order to get assignment under the Tamil Nadu Boodhan Yagna Act, 1958, the applicant should not possess more than one acre of wet land or more than two acres of dry land. The income of the applicant should not exceed Rs.25,000/- per annum. However, in the case on hand, as per the income certificate issued to the petitioner on 10.10.2015, his income was more than Rs.1,20,000/- per annum. Therefore, it is the submission of the learned Additional Government Pleader that the petitioner failed to satisfy the eligibility criteria and hence his request for assignment was rightly rejected by the official respondents.



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5. Under the provision of the Tamilnadu Boodhan Yagna Act,

land can be assigned to landless poor person. The expression “landless poor person” is defined under Section 2(f) of said Act as follows:

(f) "landless poor person" means a person who either is not an owner of land or an owner of land which does not exceed the limits prescribed in this behalf and whose annual income does not exceed [such sum not exceeding twenty-five thousand rupees as may be prescribed] [Substituted for the words 'three hundred rupees' by Tamil Nadu Bhoodan Yagna (Amendment) Act, 2000 (Tamil Nadu Act 37 of 2000).];

6. The learned Additional Government Pleader also produced revenue document to show that the petitioner owns immovable properties. A perusal of patta No.524, Sulur Village, Coimbatore District would suggest that the petitioner was registered as a joint pattadhar in respect of land with an extent of two ares in S.No.521/55. Therefore, the dry land owned by the petitioner is less than prescribed limit and the same may not be a ground to reject the petitioner's claim. The income certificate issued to the petitioner dated 10.10.2015 by Zonal Deputy Tahsildar, Coimbatore produced before this Court would indicate that the petitioner's income was certified as



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Rs.1,20,000/-. Hence, the income of the petitioner exceeds the threshold limit of Rs.25,000/- per annum. Therefore, the petitioner failed to satisfy the eligibility criteria for getting assignment of free lands under the Tamil Nadu Boodhan Yagna Act, 1958. Accordingly, the claim of the petitioner was rightly rejected and I do not find any error in the impugned order.

7. Accordingly, the writ petition stands dismissed. No costs.

25.10.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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